IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4148 of 2006()

CRA.816/2005 of SESSIONS COURT, KOZHIKOE
CC.76/2004 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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REVN. PETITIONER: APPELLANT/ACCUSED:

JOHN PETER, S/O.SIMON PETER,
AGED 80 YEARS, PUZHATHAZHATH PARAMBU,
PUTHIYARA P.O., KOZHIKODE.

BY ADV. SRI.R.SUDHISH

RESPONDENTS: COMPLAINANT & STATE:

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1. PRASANTH KUMAR O.P, S/O.KRISHNANKUTTY NAIR, OTTAPILAKANDY HOUSE, P.O.KANNANKARA, CHELANNUR, KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.VINOD SINGH CHERIYAN
BY PUBLIC PROSECUTOR SRI.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No.4148 of 2006

Dated this the 27th day of November, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and was sentenced to undergo imprisonment till the rising of the court and to pay a sum of Rs.50,000/- as compensation under Section 357(3) of Code of Criminal procedure and in default to undergo simple imprisonment for a period of one month. The appellate court confirmed the conviction and sentence.

Crl.M.A.No.11944/2006 filed by the complainant and the accused under Section 147 of the Negotiable Instruments Act, was allowed. Accordingly, the Crl.R.P. is allowed and the conviction and sentence of the petitioner are set aside. The petitioner is acquitted under Section 320(8) of the Code of Criminal procedure.

K.T.SANKARAN,
JUDGE

csl